

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL C. JOHNSON,	)	
	)	Civil Action No. 13 - 262
Plaintiff,	)	
	)	District Judge Nora Barry Fischer
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
SGT. INGLEBREAD, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

This case is before the Court on the pending Report and Recommendation filed by Chief Magistrate Judge Lenihan on June 27, 2013. (ECF No. 11.) Judge Lenihan recommended that Plaintiff's Complaint (ECF No. 5) be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), and that such dismissal be with prejudice because granting Plaintiff leave to amend would be futile. Plaintiff was served with the Report and Recommendation and informed that he had until July 15, 2013, to file written objections. No objections were filed. Therefore, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 24<sup>th</sup> day of July, 2013,

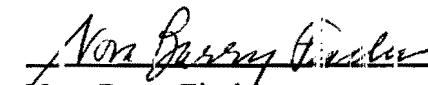
**IT IS HEREBY ORDERED** that Plaintiff's Complaint (ECF No. 5) is dismissed with prejudice for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

**IT IS FURTHER ORDERED** that the Report and Recommendation dated June 27, 2013 (ECF No. 11) is **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

  
Nora Barry Fischer  
United States District Judge

cc: Michael C. Johnson  
GC5319  
SCI Rockview  
PO Box A  
Bellefonte, PA 16823  
(Via First Class U.S. Postal Mail)